

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
IN ADMIRALTY

CASE NO. 1:22-CV-22645-KMM

NIMBUS BOAT RENTAL, CORP,
CRISTIAN VALDES and
ELAINE LEYVA

Plaintiffs,

v.

F/V NIRVANA; a 2005, 105 ft. RODMAN,
her engines, boats, tackle, apparel, and furnishings,
Hull number DLZ138521512 *IN REM* and
ANGEL GARCEL, individually &
JET SKIS IN MIAMI, CORP. *IN PERSONAM*

Defendants.

**DEFENDANTS' MOTION FOR ENTRY
OF FINAL JUDGMENT ON ATTORNEY'S FEES**

Defendants, Angel Garcel and Jet Skis in Miami, Corp. (collectively, "Defendants"), by and through undersigned counsel, file this Motion for Entry of Final Judgment on Attorney's Fees in the amount of \$55,122.50, and in support thereof state:

1. On August 19, 2022, Nimbus Boat Rental Corp., Cristian Valdes, and Elaine Leyva (collectively, "Plaintiffs") filed a verified complaint with this Court alleging that the Defendants were imminently attempting to sell a 2005 Rodman (Nirvana) vessel and requesting that the Court issue an immediate arrest of the said vessel due to the exigent circumstances at hand [ECF No. 1].
2. On October 7, 2022, Magistrate Judge Louis issued a Report and Recommendation ("R&R") recommending that Defendant's request to vacate the arrest of the vessel be granted and

that Plaintiff be ordered to reimburse Defendants in accordance with Local Admiralty Rule C(7) [ECF No. 63].

3. On October 19, 2022, the Honorable Judge Moore adopted the R&R and ordered the Plaintiffs to reimburse the Defendants [ECF No. 66, p.3].

4. On October 19, 2022, this Court also dismissed Count I of the Plaintiff's Complaint, which was the sole basis for admiralty jurisdiction [ECF No. 67].

5. Defendants filed their Motion for Attorney's Fees on November 8, 2022 [ECF No. 74].

6. On January 6, 2023, Defendants filed a Motion for Entry of Judgment on Defendants' Motion for Attorney's Fees due to Plaintiffs' failure to respond [ECF No. 78].

7. On January 19, 2023, Plaintiffs responded to Defendant's Motion for Entry of Judgment and Motion for Attorney's Fees [ECF No. 79].

8. On May 7, 2023, this Court ordered Defendants to serve a revised fee demand upon Plaintiffs [ECF No. 81].

9. On June 7, 2023, Defendants filed their Amended Motion for Attorney's Fees [ECF No. 83].

10. On June 8, 2023, this Court dismissed the remainder of the case for lack of subject matter jurisdiction [ECF No. 85].

11. On January 3, 2024, Magistrate Judge Louis issued another R&R recommending that Defendants' Amended Verified Motion for Attorney's Fees [ECF No. 83] be granted, in part, and denied, in part, and that Defendants be awarded \$55,122.50 in fees and \$0.00 in costs, pursuant to Southern District of Florida Local Rule 7.3(a) and Local Admiralty Rule C(7).

12. On January 18, 2024, the Honorable Judge Moore adopted this Court's recommendation and granted in part the Defendant's Amended Motion for Attorney's Fees and awarded the Defendants \$55,122.50 [ECF No. 94].

13. Based on the foregoing, Defendants are entitled to a Final Judgment on Attorney's Fees against the Plaintiffs in the amount of \$55,122.50.

WHEREFORE, Defendants, Angel Garcel and Jet Skis in Miami, Corp., respectfully request that this Court enter a Final Judgment on Attorney's Fees against Nimbus Boat Rental, Corp, Cristian Valdes, and Elaine Leyva in the amount of \$55,122.50, and for such other relief this Court deems just and proper.

Dated: July 25, 2024

Respectfully submitted,

**KOZYAK TROPIN & THROCKMORTON
LLP**

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 25th day of July 2024, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF, which will serve it upon counsel for Plaintiffs, Robert N. Pelier of the Law Office of Robert N. Pelier, P.A., located at 4649 Ponce de Leon Boulevard, Suite 301 Coral Gables, FL 33146.

By: /s/ Javier A. Lopez
Javier A. Lopez, Esq.